

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

**IN RE: VALSARTAN PRODUCTS  
LIABILITY LITIGATION**

**CIVIL ACTION NUMBER:  
19-md-02875-RBK-KMW  
CASE MANAGEMENT CONFERENCE  
via ZOOM VIDEOCONFERENCE**

Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets  
Camden, New Jersey 08101  
January 18, 2022  
Commencing at 4:00 p.m.

**B E F O R E:**

**THE HONORABLE THOMAS I. VANASKIE (RET.)  
SPECIAL MASTER**

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**A P P E A R A N C E S (Continued) :**

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1 (PROCEEDINGS held via Zoom videoconference before The Honorable  
2 Thomas I. Vanaskie (Ret.), Special Master, at 4:00 p.m.)

3 JUDGE VANASKIE: All right. Well, let's get started.

4 Good afternoon, everyone. Now is the time that's been  
5 appointed for us to have our status conference or discovery  
6 status conference. We are going to also hear argument on the  
7 question of whether 11 documents in question should be sealed.  
8 We're going to talk a little bit about letters I received today  
9 dealing with some follow-up discovery. Specifically, I would  
10 like to address the question of the time limits or amount of  
11 time to be allotted for that additional discovery, the  
12 additional depositions, some logistics with respect to those  
13 depositions. I'd like to address some questions that have been  
14 raised with respect to the logistics of some expert witness  
15 depositions, so we'll talk about that as well, in terms of who  
16 can attend, things of that nature.

17 So we'll proceed with this call in two stages. The  
18 first stage will cover the matters that can be discussed  
19 without concerns about confidentiality; and then after we've  
20 concluded that part of our conversation, we'll dial in to our  
21 normal dial-in number and conduct an *in camera* discussion with  
22 respect to the confidentiality issues or the issues that deal  
23 with confidentiality.

24 So I take it, Mr. Slater, you'll be the spokesperson  
25 for the plaintiffs for the most part?

1 MR. SLATER: Only the issues we're going to win, Your  
2 Honor.

3 JUDGE VANASKIE: Okay. All right. And, Ms. Lockard,  
4 will you be addressing this for the defense on the questions  
5 that you're going to win?

6 MS. LOCKARD: I would like to think so, Your Honor,  
7 but I think I'm addressing the deposition logistics and the  
8 expert witness issues.

9 JUDGE VANASKIE: Okay. Very well.

10 All right. There seems to be agreement -- I'm going  
11 to head into the agenda letter. If you're not being addressed,  
12 I will ask you to mute your microphone and we'll proceed from  
13 there. Again, please don't put us on hold because we don't  
14 want to listen to that music.

15 The first item I wanted to talk about deals with the  
16 dismissal of Rite Aid and Walgreen's from the Medical  
17 Monitoring Master Complaint.

18 I take it there's no issue there? You're going to  
19 proceed, Mr. Slater, and have them dismissed?

20 MR. SLATER: It wasn't one of my issues, Your Honor,  
21 but I believe that's already been taken care of and I think  
22 maybe a stipulation was filed or it's going to be shortly.

23 JUDGE VANASKIE: Mr. Stanoch, you showed up on my  
24 screen. Is this your issue?

25 MR. STANOCH: It is, Your Honor. Good afternoon.

1 Yes, Your Honor is correct, there is no disagreement. In fact,  
2 we filed the joint stipulation and proposed order about 35, 40  
3 minutes ago, so nothing to discuss today, I believe.

4 JUDGE VANASKIE: All right. Very well. Thanks.

5 MR. STANOCH: You're welcome.

6 JUDGE VANASKIE: Now let's talk about the deposition  
7 logistics for plaintiffs' class certification experts. And I  
8 guess we're talking now in particular about Mr. Najafi and Ms.  
9 Craft. They would like to be deposed remotely. It doesn't  
10 seem to be that there is any dispute that the witness  
11 preference shouldn't control, but maybe I'm wrong on that.

12 So who will be addressing this? Is it you, Ms.  
13 Lockard, who will be addressing this?

14 MS. LOCKARD: Yes, Your Honor.

15 JUDGE VANASKIE: All right.

16 MS. LOCKARD: So our position is, you know, obviously,  
17 if there is a legitimate need to conduct a remote deposition,  
18 you know, we're amenable to that. We don't want to be  
19 unreasonable. But we don't -- you know, in terms of just  
20 simply witness preference, and, you know, I'd like to say these  
21 are unprecedented times but they're starting to feel  
22 precedent because I feel like we keep coming to this same  
23 issue, but given the fluidity with the situation, how this is  
24 changing, it's difficult to really say, I think, today what  
25 should happen for a deposition that's taking place 30 days from

1 now or even three weeks from now.

2 So our position in response to the request for Ron  
3 Najafi and Laura Craft was that let's revisit this closer in  
4 time, see if the position has changed. We do see numbers going  
5 down in major cities with Omicron, so it's our hope that we  
6 would be able to get past this and proceed with an in-person  
7 deposition, which has always been defendants' preference.

8 If there is a strong preference by the witness, you  
9 know, with some legitimacy, we will honor that; but we just  
10 don't want that to be the default that now because there is  
11 another way that we are -- you know, we're having to take all  
12 of these remotely, and we certainly don't want it to be the  
13 position that we have to take all of plaintiffs' expert  
14 depositions via remote Zoom depositions but then they are  
15 entitled to come and take all of ours live in person.

16 So we're trying to take it on a case-by-case basis,  
17 you know, given the state of the data at the time of the  
18 deposition.

19 That's the best way I can present it at this point in  
20 time.

21 JUDGE VANASKIE: Thank you.

22 Ms. Hilton, you are addressing this issue?

23 MS. HILTON: I am, Your Honor. Thank you.

24 I think part of our concern, in listening to Ms.  
25 Lockard speak, is she references legitimate rational reasons

1 for why the witness should want to proceed with a remote  
2 deposition.

3 As we understood from previous guidance from this  
4 Court, there should really be no issue if the defending  
5 attorney, and we have so agreed in these two instances, is also  
6 appearing remotely. As we stated in our letter, Ms. Craft is  
7 taking care of a newborn infant so this is part of the reason  
8 why she wishes to proceed remotely to limit her exposure to  
9 other people.

10 You know, we're not opposed to revisiting the issue  
11 but I guess our question is what happens in two weeks or a week  
12 before the deposition if we say, you know, these two witnesses  
13 continue to wish to proceed remotely and the defendants say no.  
14 I think we sort of wanted to get an issue settled on this so we  
15 sort of had guidance for the rest of, you know, both their  
16 depositions -- experts' depositions and ours in terms of  
17 understanding whether these should be permitted. We didn't  
18 actually think this was a controversial request.

19 JUDGE VANASKIE: I thought we had laid down a general  
20 rule of witness preference, and if the witness expressed a  
21 preference to be deposed remotely, we would defer to that  
22 without necessarily questioning whether that's a rational  
23 decision.

24 I think about I have a 17-year-old stepson, a football  
25 player, who won't get vaccinated because he's afraid of

1 needles. Now, that's irrational but it's legitimate. And I  
2 don't want to get into these questions about whether it's -- or  
3 I should say it's genuine, it's a genuine fear. I really don't  
4 want to get into deciding whether somebody's express preference  
5 is rational or genuine. If it's their preference, given these  
6 still unusual times, although, as you said, Ms. Lockard, not  
7 that much unprecedented now, but these unusual times, we'll  
8 defer to that witness's request.

9 Now, I don't think there's anything inappropriate  
10 about asking the witness one week prior to the deposition what  
11 is your preference. I think you could still proceed with  
12 noticing physical presence depositions; but when the witness  
13 expresses a preference for a remote deposition, that preference  
14 will be honored.

15 In this case, the one witness, Ms. Craft, has a young  
16 child, a two-year-old or something like that, she's taking care  
17 of, I get that, I understand that problem. That affects all of  
18 us. I have a three-year-old grandson who was diagnosed with  
19 COVID. It happens. So I understand all of that.

20 So we are going to go with witness preference. I  
21 think, Ms. Hilton, there's nothing wrong with having these  
22 depositions scheduled in person, noticed to be in person,  
23 subject to your letting the other side know that the witness  
24 prefers that it be remote. There should be a deadline. I  
25 think one week in advance of letting the defense know is



1 reasonable. And so we'll proceed along those lines.

2 Now, another question has come up with respect to  
3 these depositions and that is questioning by multiple defense  
4 counsel, that is that some of -- as I understand it, some of  
5 these expert witnesses offer testimony specific to individual  
6 defendants and, obviously, their counsel will want to have the  
7 opportunity to question those persons.

8 Now, my understanding here, and I'll ask somebody to  
9 weigh in on this so I make sure I'm understanding it correctly,  
10 and that is that we'll still limit ourselves to no more than  
11 three persons in the deposition room when it's being conducted  
12 in person, but there can be counsel moving in and out to adhere  
13 to those limits, but giving individual counsel an opportunity  
14 to ask questions specific to their respective clients.

15 Are there any questions with respect to that?

16 MS. HILTON: Your Honor, if I may, on that particular  
17 point, I just -- you know, in the interest of raising our  
18 concerns about this arrangement of having a rotating group of  
19 people who come in and out, I do believe there are some  
20 concerns about the exposure, right? You know, in the previous  
21 -- as we understood it, we were limiting the exposure for a  
22 witness to an absolute number of people but under the  
23 defendants' proposal of having people rotate in the deposition,  
24 that exposure, especially once you consider travel and flights  
25 and people coming from all across the country to attend the

1 deposition, that exposure becomes exponentially higher. So  
2 that is one of our concerns with the idea of having sort of an  
3 at bat of people coming into the room. And so I just wanted to  
4 raise that because this was a concern that witnesses have  
5 raised with us, so I would be remiss if I didn't raise it with  
6 Your Honor.

7 JUDGE VANASKIE: Well, the ground rule, let me repeat  
8 it, just to make sure we're all operating with the same  
9 understanding, is that the inquiring attorneys have to be fully  
10 vaccinated. So that I think mitigates to some degree that  
11 concern. And let me make it clear: Fully vaccinated means  
12 both doses and a booster so that we consider them to have taken  
13 all the precautions that they could.

14 I know there are still break-through cases for people  
15 who have been boosted up and that happens and I get that  
16 concern. On the other hand, when there are opinions being  
17 expressed that are particular to a specific defendant or group  
18 of defendants, their lawyer should have the right to be there  
19 to question the witness when they're being conducted in person.

20 So I won't limit it to three attorneys asking  
21 questions. I understand the concern but I think we've taken  
22 all of the precautions necessary while also respecting the  
23 rights of a particular defendant or group of defendants.

24 So we won't have more than three in the room but it  
25 can rotate to accomplish that.

1 MS. HILTON: Thank you, Your Honor.

2 JUDGE VANASKIE: Now, there is also a question with  
3 respect to remote depositions, and that is that the defending  
4 counsel must be remote as well, that is, not present with the  
5 deponent. And that I believe is fair and appropriate. So we  
6 will make -- if we haven't made that clear before, I'd like to  
7 make it clear now. If there's some objections, please express  
8 that now.

9 MS. HILTON: Your Honor, I do believe of the I think  
10 seven depositions that we provided dates for, it's only two  
11 where we're seeking to proceed remotely and then those two we  
12 have agreed, which was part of why we didn't realize this would  
13 be a dispute we would have to bring to Your Honor, but we did  
14 agree to also proceed remotely as well in defending.

15 JUDGE VANASKIE: Right, I have seen that. Just to  
16 make it clear going forward, you know, it's a fluid situation  
17 and in case another witness becomes remote, that would be the  
18 ground rule for that witness as well. All right?

19 MS. HILTON: Thank you, Your Honor.

20 JUDGE VANASKIE: Anything else on deposition  
21 logistics?

22 MS. LOCKARD: Not that comes to mind. Thank you,  
23 Judge.

24 JUDGE VANASKIE: Thank you, Ms. Hilton. Thank you,  
25 Ms. Lockard.

1 I would like to, at this time, address the question of  
2 the deposition or depositions that will be taken as a result of  
3 the order that was issued allowing for the re-deposition on  
4 certain matters. And I received the letters today. I have  
5 read the letters. I know the letters cover things beyond the  
6 depositions, and we can touch upon them, but I thought we could  
7 resolve today the question of the duration of the deposition,  
8 the question of whether exhibits should be provided in advance  
9 of those depositions. I think there was one other issue that  
10 was raised with respect to the depositions, but primarily the  
11 duration of the depositions or the timing of the depositions,  
12 how soon they should occur.

13 Will this be you, Mr. Slater?

14 MR. SLATER: It will, Your Honor. And not to try to  
15 rush the argument but I didn't realize that that first part  
16 would take as long, but I have to probably leave the Zoom in  
17 about 15 minutes for a family obligation, which I should have  
18 told you in the beginning, but I don't think this should take  
19 more than ten minutes anyway.

20 JUDGE VANASKIE: All right. Yes, I don't think we  
21 need to spend a lot of time on this question.

22 Who will be addressing it for the defense?

23 MR. GOLDBERG: Your Honor, this is Seth Goldberg. I  
24 am appearing by telephone today, I'm not on camera, and I will  
25 be handling this issue.

1 JUDGE VANASKIE: All right. Thank you, Mr. Goldberg.

2 My understanding is that the dispute on the duration  
3 is whether you should obtain or have the ability for the  
4 presumptive time limit of the deposition of seven hours  
5 increased by 75 percent I guess it is for translation; and the  
6 defense point of view is five hours total time, that would  
7 include translation time. So that would limit you to three and  
8 a half hours if you're increasing it for translation time,  
9 increasing the duration of the deposition for translation time.  
10 And my understanding, as well, is that five hours equates to  
11 the amount of time that you've all agreed to for purposes of  
12 conducting depositions when the witness is located in Macao.

13 Is my understanding correct?

14 MR. SLATER: It is. Yes. I think generally, I don't  
15 know that it was really an agreement, it was more just that was  
16 generally how long we would go each evening because we were  
17 starting around seven or so at night, and they usually ended  
18 around midnight, somewhere between 12, 1:00 in the morning,  
19 sometimes a little earlier, sometimes later.

20 JUDGE VANASKIE: Okay. All right. Mr. Goldberg, is  
21 my understanding correct?

22 MR. GOLDBERG: Your understanding as to the state of  
23 play, Your Honor, is correct. ZHP's position is that for this  
24 additional testimony, three and a half hours plus 75 percent  
25 should be sufficient.

1 I don't know how much Your Honor wants to get into it.  
2 Obviously we've put it in our letter brief and I know Mr.  
3 Slater's short on time, but given that the original testimony  
4 on these very specific matters only took 40 minutes, at most,  
5 we are proposing three and a half hours, which would give them  
6 the 40 minutes plus another two hours or so to ask follow-up  
7 questions.

8 This is not, as we understand Your Honor's order, a  
9 re-do of a deposition and, therefore, we don't think that the  
10 presumptive seven-hour time limit should apply here. This is a  
11 special circumstance to provide plaintiffs with testimony on  
12 specific issues they claim they weren't able to obtain. And  
13 Your Honor circumscribed this testimony in that order to this  
14 very narrow playing field.

15 So we certainly think three and a half hours plus the  
16 deposition testimony is sufficient. It allows us to get in  
17 there and do this in one deposition session. The witness is  
18 going to have to travel from China to Macao, and while they  
19 have to provide the testimony, of course the burden is  
20 something to be considered. And the seven-hour deposition plus  
21 75 percent actually results in 12 and a half hours of time.  
22 And so instead of a one-day session, the plaintiffs are  
23 proposing a three-session deposition, three separate days.

24 JUDGE VANASKIE: I understand. I understand that, Mr.  
25 Goldberg.

1 Mr. Slater?

2 MR. SLATER: Yes, Your Honor.

3 We were very concerned when we saw the initial  
4 proposal and then when we saw this proposal for one evening  
5 because what we're concerned about is that these depositions  
6 are going to be -- or this deposition -- we've been told now  
7 there is going to be one witness produced, someone named Jucai  
8 Gu, who wasn't designated on any of these topics, is going to  
9 be basically running out the clock or at least that's what we  
10 don't want to happen. We don't want to start having conflict  
11 with defense counsel as the deposition goes if the witness is  
12 taking too long or the witness says she doesn't understand a  
13 question or wants to read a document for 30 minutes or whatever  
14 it is. So what I am trying to do is take away an opportunity  
15 for a lot of stress between us and I think that the way we do  
16 that is to use the standard amount of time with the  
17 understanding that -- you know, I can commit that we are going  
18 to try to be reasonable about how we ask the questions but  
19 these topics -- you know, counsel says it took 40 minutes to  
20 ask those questions. Well, that's because the witnesses didn't  
21 answer them. That's why we're here. And ZHP, I think, is  
22 almost giddy, and I say this as respectfully as I can,  
23 obviously, they seem giddy about the outcome of this motion  
24 because their view is, well, we now have to go back into areas  
25 of the risk assessment, the change control process, the health

1 risks, which Min Li didn't answer any questions on that, which  
2 may have been the biggest topic of all. He just deferred to a  
3 toxicologist the whole time. So who do they bring in to  
4 testify on that topic? Jucai Gu who is at the other end of the  
5 spectrum. So you're talking about major areas, and we don't  
6 know what the witness is going to say.

7 Your Honor, I think, assumed that when you entered  
8 your order that ZHP was probably going to say, fine, we can  
9 deem the following questions admitted because it seems so  
10 obvious that the answer should be yes, but here we are. And I  
11 think it's very telling that they don't agree to any of the  
12 questions as being admitted. They won't give us any idea of  
13 what the witnesses are going to say.

14 So if you put yourself in our shoes, how do we agree  
15 to a truncated timeframe when the subject matter is so  
16 significant and we don't know what the witnesses are going to  
17 say, we don't know how direct their answers are going to be.

18 So what we would like is to use the default time limit  
19 and I am sure that if the defense thinks that we abuse that or  
20 take too long, they will come to tell Your Honor. But the  
21 alternative of us starting a fight within minutes, potentially,  
22 of getting into the deposition or hours as to whether the time  
23 is being wasted, I'm just trying to avoid stress in all of our  
24 lives. I think that just opens the door to a real solid source  
25 of stress if we do that.



1 JUDGE VANASKIE: All right. Mr. Goldberg?

2 MR. GOLDBERG: Your Honor, I am comfortable standing  
3 on the position that I expressed. Your Honor's order was  
4 circumscribed to five specific matters. There were 24  
5 excerpts, and if you look at those excerpts, most of the  
6 questions were redundant. So the 40 minutes of testimony time  
7 was actually generous. We're proposing to give that back plus  
8 permit plaintiffs another two and a half hours of time for  
9 follow-up questions. This is -- this is more than sufficient  
10 given Your Honor's order that the questions should be  
11 straightforward and the responses should be direct. If  
12 plaintiffs find that they need more time, they can ask Your  
13 Honor for more time. But three and a half hours is a  
14 reasonable compromise to getting this deposition done and it's  
15 a fair amount of time for both the parties and the witness to  
16 get in there and do this deposition in one deposition day and  
17 be done with it.

18 JUDGE VANASKIE: All right. Here's my concern: And  
19 I'm going to tell you, I'm going to use the default time of  
20 seven hours for the deposition, inclusive of or plus the 75  
21 percent for translation time. I'm only doing that to assure  
22 that the deposition can be taken and complete. I don't expect  
23 you're going to require all that time if the questions are  
24 straightforward, as I said repeatedly in the order, and the  
25 witness gives direct answers and responsive answers. It

1 shouldn't take that amount of time. But I want to get it done.  
2 And by doing this, you'll have to schedule that witness for two  
3 days to enable it to be done under the rules as you're  
4 following them now about five hours of time and --

5 MR. GOLDBERG: Your Honor, Your Honor, I'm sorry to  
6 interrupt but I think we're missing something here.

7 Judge Schneider issued an order for a seven-hour  
8 deposition, a 30(b)(6) deposition, on seven 30(b)(6) topics,  
9 entire topics. That was a seven-hour deposition. Plaintiffs  
10 were able to complete all of the questioning for those seven  
11 topics in seven hours.

12 Your order is focused on specific facts, specific  
13 questions, for five lines of questioning, and you're proposing  
14 now to provide the same amount of time as that seven-30(b)(6)  
15 topic seven-hour deposition.

16 If plaintiffs can complete the questioning on seven  
17 30(b)(6) topics in seven hours, surely they can complete the  
18 questioning on five lines of questions, five lines of  
19 questioning, five fact areas, which Your Honor ordered needed  
20 to be specific, in three and a half hours.

21 This is not, Your Honor, two days of deposition; this  
22 is three days. The first day will be five hours, the second  
23 day will be five hours, the witness will have to come back for  
24 another two and a half hours.

25 JUDGE VANASKIE: I don't expect that will happen. Go

1 ahead, please complete.

2 MR. GOLDBERG: The way to get this deposition done,  
3 Your Honor, is to limit the amount of time because this is just  
4 going to be a -- this is going to become a fishing expedition  
5 far beyond the specific matters that Your Honor has ordered to  
6 be covered.

7 It seems as though there's nothing that ZHP can do to  
8 have a balance here. But the reality is this deposition is  
9 going to go far beyond what Your Honor's explicit -- the  
10 explicit terms of this order seemed to envision.

11 JUDGE VANASKIE: This deposition should not need to be  
12 taken. This deposition is being ordered as a sanction because  
13 witnesses were evasive, were nonresponsive to questions that I  
14 thought could have been answered much more directly.

15 I fully expect that this deposition can be completed  
16 within one day; but I am not going to allow a witness to  
17 filibuster, to be evasive, to run out the clock and then you  
18 come back and I'm getting a request for another day of  
19 deposition. This is intended to enable a deposition to be  
20 completed, period. I don't expect that it's going to take this  
21 amount of time. I haven't seen anything that would warrant my  
22 suspicion that the plaintiffs would now move beyond those five  
23 areas. I think it should be completed, as I said, within one  
24 evening, one night of questioning, but I'm not going to  
25 artificially limit it to that to provide an incentive to

1 filibuster.

2           So this is how we will proceed with this deposition  
3 that's being taken as a sanction. And I've thought about this  
4 a lot and that's how we will proceed with this.

5           Plaintiffs will not be required to provide in advance  
6 of the deposition exhibits that they intend to use during the  
7 deposition. They're certainly free to do that to expedite the  
8 process, but I recognize the work product implications of such  
9 a directive and will not require it.

10           In terms of when the depositions are to be completed,  
11 I understand that you have a tremendous amount of work on your  
12 plates. I'm hopeful that it can be done by mid-April. I think  
13 you've asked for late April or early May. I haven't seen  
14 anything from the plaintiffs that has indicated that any of the  
15 testimony is required in connection with the briefing that is  
16 occurring now. So if it takes till late April, early May, so  
17 be it, but they need to get scheduled and need to be completed.

18           I expect we can talk about scheduling of the  
19 deposition at a future status conference to get a schedule, but  
20 I ask you now to start working on getting the deposition  
21 scheduled. All right?

22           MR. SLATER: Thank you very much, Your Honor.

23           JUDGE VANASKIE: Anything else?

24           MR. GOLDBERG: Your Honor, yes, there is just one  
25 issue in terms of the exhibits. As you'll see in our letter,

1 during these excerpts of testimony, the plaintiffs introduced  
2 maybe ten exhibits and asked about some of them, based their  
3 questions on some of them. They never -- they were never  
4 prevented from introducing any other exhibits. And our request  
5 is that for this follow-up testimony on these specific matters,  
6 plaintiffs be limited to using those deposition exhibits that  
7 were previously introduced so that we are staying within these  
8 specific matters.

9 JUDGE VANASKIE: All right. Mr. Slater?

10 MR. SLATER: I don't know what the answers were going  
11 to be to the questions if they actually answered them. I  
12 certainly know that I had follow-up questions and to limit us  
13 to the exhibits that were used -- I'll give you an example.  
14 How do we do that with Min Li who wouldn't answer any  
15 questions? How do I limit myself to the exhibits I used, I'm  
16 speaking rhetorically, obviously, when I didn't even get into  
17 the lines of questions. The same happened with subjects of  
18 risk assessment, change control. What if someone says  
19 something and then I have to pull out a document to say, well,  
20 what you just said, let's look at the document you just  
21 implicated with that and so on and so forth. Again, it's an  
22 attempt to put us in a straightjacket over testimony that we  
23 don't know what they're going to say. So I don't think that  
24 would be equitable or reasonable.

25 JUDGE VANASKIE: Anything else, Mr. Goldberg?

1 MR. GOLDBERG: No, Your Honor, except it seems that it  
2 is consistent with Your Honor's order to have this deposition  
3 limited to those specific inquiries, to have the exhibits that  
4 were previously asked about, the answers weren't obtained as to  
5 those documents, that the purpose of this is for them to get  
6 those answers, not to have an entire re-do on a new deposition.

7 JUDGE VANASKIE: I agree it shouldn't be a re-do or an  
8 entirely new deposition. The plaintiffs are limited to the  
9 subject matters of the areas of questioning that are indicated  
10 in those excerpts. I expect they will stay to those subject  
11 matter areas or you can instruct your witness not to answer a  
12 question because it's gone beyond the areas for which we've  
13 allowed a re-deposition or a deposition of a witness.  
14 Certainly you can do that, Mr. Goldberg, but I'm not going to  
15 artificially limit at this time what exhibits can be used at  
16 the deposition. It may be that there's some document that  
17 takes on greater significance in light of other developments in  
18 the case that is relevant to the subject matter areas in  
19 question, it may be that a witness's answer leads to another  
20 document related to that matter. So I won't artificially limit  
21 it at this time. All right?

22 Anything else on the question of the re-deposition of  
23 the witnesses?

24 MR. SLATER: No, Your Honor. And I think that if the  
25 next topic I think might be the one we are going confidential

1 on, I am going to excuse myself. I am going to call in on that  
2 but I'm not arguing that issue. And I appreciate it, Your  
3 Honor. I'm sorry I didn't say something at the outset. I just  
4 forgot to and didn't think we'd go that long, but thank you  
5 very much.

6 JUDGE VANASKIE: All right. I think that's all I can  
7 address at this time with respect to the re-deposition of  
8 witnesses at this time.

9 Is there anything else from the perspective of the  
10 defense or the perspective of the plaintiffs with respect to  
11 our call today other than the confidentiality issues?

12 MR. HARKINS: Your Honor, this is Steve Harkins with  
13 Greenberg Traurig for the Teva defendants.

14 I don't believe this requires any argument but we did  
15 just want to confirm that last week the parties submitted  
16 briefing on the motion for expansion of time and just ask if  
17 the Court required anything further. I believe defendants are  
18 comfortable standing on the brief but just wanted to make sure  
19 that the Court had received that and that Your Honor didn't  
20 require anything further to render a decision there.

21 JUDGE VANASKIE: Mr. Harkins, I did receive letters  
22 from both sides. I had anticipated being able to discuss them  
23 at this time but the agenda letters for today took more time  
24 than I anticipated they would. So I'm not prepared to discuss  
25 it.

1           If I think that I will require additional argument, I  
2 will let you all know; but I fully anticipate being able to  
3 decide that question on the basis of the briefs that have been  
4 submitted.

5           MR. HARKINS: Understood. Thank you, Your Honor.

6           JUDGE VANASKIE: Thank you. All right. So we will  
7 conclude -- Ms. Bonner, is there something you wanted to say?

8           MS. BONNER: Yes, Your Honor. I just wanted to  
9 confirm what the confidential number was that we would be  
10 dialing into for the confidentiality argument. I wasn't sure  
11 if it's the one on the docket or a different number.

12          JUDGE VANASKIE: Larry, are you still there?

13          THE COURTROOM DEPUTY: I am, Judge. Just the one on  
14 the docket.

15          JUDGE VANASKIE: Okay. So it's the one on the docket.  
16 So we will end this aspect of the call and ask you to dial in  
17 and we will have our *in camera* discussion. I intend to limit  
18 that discussion to the 11 documents that are at issue that are  
19 before me now. Okay?

20          MS. BONNER: Okay. Thank you, Your Honor.

21          JUDGE VANASKIE: Thanks.

22          (These proceedings concluded at 4:40 p.m.)  
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I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

/S/ Camille Pedano, CCR, RMR, CRR, CRC, RPR  
Court Reporter/Transcriber

January 20, 2022  
Date

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